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JUL 31 2006

REMARKS

Claims 1-26, all the claims pending in the application, stand rejected upon informalities.

Claims 1-26 stand rejected under 35 U.S.C. 101 and 35 U.S.C. 112, second paragraph.

I. The 35 U.S.C. § 112, second paragraph Rejection

Claims 1-26 stand rejected under 35 U.S.C. § 112, second paragraph as being rejected upon informalities. Applicants respectfully traverse these rejections based on the following discussion.

Claims 1-26 have been amended to resolve the rejections of the claims for lacking antecedent basis as set forth by the Examiner. It is noted that claims 4, 10, 12 and 23, which the Examiner remarked as lacking antecedent basis for the term, "said normal system operations," is properly support by claims 2, 8, 15, and 21, which recite "normal system operations."

Moreover, the Applicants note that all claims are properly supported in the specification and accompanying drawings, and no new matter is being added. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

II. The 35 U.S.C. § 101 Rejection

Claims 1-26 stand rejected under 35 U.S.C. 101 on the basis of the claimed invention being directed to non-statutory subject matter. The Examiner asserts that "the step of 'automatically identifying abnormal actions' fails to render the claims statutory because it recites not a tangible result by not specifying what happened after the identifying method step" and "that the step of 'comparing said anomaly score for each of said features with said threshold to

determine whether each anomaly score exceeds said threshold' fails to render the claims statutory because it recites not a tangible result by not specifying what happened after 'comparing' and 'determine'."

Applicant's respectfully disagree with the Examiner. The claims indeed recite a useful, concrete and tangible result. The Examiner's attention is directed to *Ex Parte Lundgren* Paper No.78 (BPAI 2004) which directly addresses the question of statutory subject matter. The Board of Patent Appeals and Interferences in *Ex Parte Lundgren*, citing the decision of the Federal Circuit in *AT&T Corp. V. Excel Communications, Inc.*, 172 F.3d 1352, 1358, 50 USPQ2d 1447, 1452 (Fed. Cir. 1999), states that "a process claim that applies a mathematical algorithm to 'produce a useful, concrete, tangible result without pre-empting other uses of the mathematical principle, on its face comfortably falls within the scope of §101'". See also *Lab. Corp. v. Metabolite Laboratories, Inc.*, 370 F.3d 1354, 1372 (Fed. Cir. 2004) (holding valid a claim reciting a "correlating" step).

At the conclusion of each of the steps of the present method, including the steps of "comparing" and "determining", which the Examiner considers non-statutory subject matter, anomalous situations during system operations are indicated. The claim language clearly recites a tangible result: "wherein said abnormal actions indicate anomalous situations during system operation." The indication of anomalous situations during system operations is clearly a concrete and tangible result within the meaning of 35 U.S.C. §101. The result is also useful to managing system operations. As such the final result achieved by the steps set forth in the claims is "useful, tangible and concrete."

The result is “useful.” According to the USPTO’s Interim Guidelines for Examination of Patent Applications for Subject Matter Eligibility, published 26 October 2005 on page 20, to be “useful” a result must be specific, substantial and credible and as such is useful. The final result recites a specific and substantial utility, i.e. indication of anomalous situations. The final result is not a “throw-away” utility and relates to the method of the claims and the field of endeavor such that it is specific. Moreover, the result is credible where one of skill in the art would view the claims and the disclosure that the method claimed would indeed result in the indications of anomalous situations in system operations as set forth in the claims and throughout the disclosure. For example, the specification, on page 12, discloses that the invention provides an approach for “anomaly detection [i.e. indication of anomalous situations] that is applicable to a wide range of inductive learners such as decision trees.”

The result is “tangible.” According to the USPTO’s Interim Guidelines for Examination of Patent Applications for Subject Matter Eligibility, published 26 October 2005 on page 21, the tangible requirement “does not mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state or thing.” To be tangible, the process must set forth a practical application. In the present invention, the practical application is identification of anomalous situations, i.e. anomaly detection.

The result is “concrete.” According to the USPTO’s Interim Guidelines for Examination of Patent Applications for Subject Matter Eligibility, published 26 October 2005 on page 22, the question of whether the result is concrete arises when the “result cannot be assured.” The practice of the method step lead to the detection of anomalies is a system such that the result

meets this requirement. It does not appear that the Examiner disputes that the result is indeed concrete and adequately enabled.

According to the USPTO's Interim Guidelines for Examination of Patent Applications for Subject Matter Eligibility, published 26 October 2005, the purpose of the requirement for a "useful, concrete, and tangible" result for subject matter to meet the requirements of 35 U.S.C. §101 is to "limit patent protection to invention that possess a certain level of 'real world' value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for further investigation or research." For the foregoing reasons, the invention has a level of real world value, and is more than a mere idea or starting point for further research. The invention of the claims sets forth specific steps for the identification and indication of anomalous situations in system operations, which has real world value. Moreover, the identification of the method steps leading to the indication of the anomalous situations set forth more than an abstract concept or starting point for further research. Therefore, one of skill in the art could take the steps of the claims and practice the invention as disclosed.

The result is concrete and tangible, i.e. indicating system anomalies, and certainly the result is useful in the management of system operations. As such, the method claims produce a "useful, concrete, tangible result," the claims meet the standards under 35 U.S.C. §101.

III. Formal Matters and Conclusion

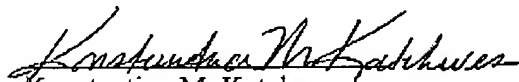
With respect to the rejections to the claims, the claims have been amended, above, to overcome these rejections. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims.

In view of the foregoing, Applicants submit that claims 1-26, all the claims presently pending in the application, are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 50-0510.

Respectfully submitted,

Dated: 7/31/06


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